

Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1, 21, 28, and 35 are independent. Claims 10-20 have been canceled without prejudice. Claims 21, 28, and 35 have been amended.

1. Objection to the Specification

Applicants have amended the abstract to the length requested by the Action. Applicants respectfully request withdrawal of the objection to the specification.

2. Claims Rejections 35 USC § 103

The Action rejects claims 1-5, 7-9, 21-23, 27-30, and 34-35 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application 2005/0050011 to Van Der Linden et al. (Van Der Linden) in view of U.S. Patent 5,642,511 to Chow et al. (Chow). The Action rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over Van Der Linden in view of Chow, in further view of W3C XML Path Language (Xpath). The Action rejects claims 24-26 and 31-33 under 35 U.S.C. 103(a) as being unpatentable over Van Der Linden in view of Chow, in further view of U.S. Patent 6,513,155 to Alexander III, et al., (Alexander).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

A. Claims rejected over a proposed Van Der Linden - Chow combination.

The Action rejects claims 1-5, 7-9, 21-23, 27-30, and 34-35 under 35 U.S.C. 103(a) as being unpatentable over Van Der Linden in view of Chow. Applicants respectfully traverse the rejection.

1. Claim 1.

Claim 1 recites:

A method of generating identifier data for persistently identifying a user interface element of interest in a graphical user interface of a source computer program, the method comprising:

receiving data indicative of the user interface element of interest from a first software component; and
in response to receiving the data indicative of the user interface element of interest, generating an element path identifier of the user interface element of interest for persistently identifying the user interface element of interest and returning at least the element path identifier to the first software component.

Claim1 recites “returning at least the element path identifier to the first software component.” The asserted Van Der Linden – Chow combination fails to teach or suggest, at least, the recited arrangement, as the “first software component” of Van Der Linden is an outside program that does not have an “element path identifier” returned to it.

The Action asserts that Van Der Linden anticipates “receiving data indicative of the user interface element of interest” in the form of a “query” [Action, page 3, ¶ 5, stating “(pg. 2, [0019], ‘Elements of interest are received as a query’)”]. Applicants respectfully note that the unamended claim 1 language recites that the “data” is received *from a first software component*. Initially, it is noted that the Office has not identified where in Van Der Linden an alleged anticipatory teaching is to be found of the bolded language *receiving data indicative of the user interface element of interest from a first software component*.

However, Applicants assume that the Action considers “first software component” of claim 1 as the program in Van Der Linden from which the “query” originates. In Van Der Linden, the query is received *by* a database management program [DBMS] which then processes it. [See, e.g., Van Der Linden at Fig. 10 at 1002, which recites “receive a query;” and [0055] which recites “In step 1002, the DBMS 105 receives a query.” Thus, the DBMS processes a query received *from* elsewhere. It follows that the “first software component” that the data is received “from” must be an (otherwise unnamed) program that sent the query to the DBMS.

Claim 1 also recites “generating an element path identifier of the user interface element of interest for persistently identifying the user interface element of interest.” Applicants believe that the Action maps the node name-namespace combination of Van Der Linden to the *element path identifier of the user interface element of interest*.” [Action, page 3, ¶ 5, stating “(pg. 5, [0056]. “node name”, “namespace”). This node name-namespace combination is used by the DBMS to “determine if the child node 508b satisfies the query....” [Van Der Linden, ¶56.] It

does not appear to be otherwise used. For example, the word “namespace” only appears in ¶56 of Van Der Linden. No other use, that Applicants can locate, is given. As a further example it is unnecessary for the name – namespace combination to be used in other contexts, as the nodes are identified by pointers, not by their association with their namespace, as can be seen in Figs. 4, 5, 7A, 7B, and 7C, and described at [0030] of Van Der Linden. As the nodes can be located by their pointers, there is no need for another way of locating them, such as by a name-namespace combination.

Van Der Linden neither teaches nor suggests the claim language *returning at least the element path identifier to the first software component*. This would require that Van Der Linden teach that the node name-namespace combination (associated by the Action with the *element path identifier*) used when processing the query by the DBMS be returned to the initial program that requested the query (associated by the Action, by implication, at least, with *the first software component*.) However, Applicant can find no such teaching in Van Der Linden. Rather, Van Der Linden strongly teaches away from returning the name-namespace combination to the program that originated the query, as the name-namespace combination is used only by the DBMS to determine if the query is satisfied; not to identify the location of the node or to return the node to the querying program. [Van Der Linden, ¶56.] Thus, the Action has failed to make a *prima facie* case of anticipation against claim 1 as Van Der Linden does not teach or suggest *returning at least the element path identifier to the first software component*.

Chow is cited for its alleged disclosure of various features of claim 1 other than the aforementioned features. Applicants respectfully submit that Chow does not add anything to the disclosure of Van Der Linden that would remedy the aforementioned deficiency.

Also, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Chow with Van Der Linden.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested.

In the event that the Office maintains the rejection of independent claim 1 under 35 U.S.C. §103, Applicant respectfully requests that the Office, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a *prima facie* case of anticipation, where in either the Van Der Linden patent application or the Chow patent the

subject feature of independent claim 1 “*returning at least the element path identifier to the first software component*” is alleged to be taught.

2. Claims 7-9.

Each of claims 7-9 depends directly or indirectly from claim 1. Applicants will not belabor the merits of the separate patentability of claims 7-9, except to say that as they ultimately depend from an allowable claim, they should be also be allowable, for at least that reason. Claims 7-9 should be allowable. Such action is respectfully requested.

3. Claims 21, 28, and 35.

Amended claims 21 and 28 recite “*wherein the element path identifier comprises a hierarchical path of inheritance from the element of interest to a parent root element.*” Amended claim 35 recites “*wherein the element path identifiers comprise information relating to parent elements of the element s of the graphical user interface.*” The asserted Van Der Linden – Chow combination fails to teach or suggest, at least, the recited arrangements, above.

The rejection of claims 21 and 28 cites to the “node name” and “namespace” of Van Der Linden to teach or suggest the unamended claim feature.” [Action, page 4, ¶ 6, stating “(pg. 5, [0056]. “node name”, “namespace”)]. Thus, the Action equates the element path identifier with the name-namespace combination, Applicants believe. Merely reciting a node name and the namespace in which the node resides does not teach or suggest the quoted amended claim features, above, which requires that the element path identifier comprise *information relating to parent elements or a hierarchical path of inheritance*.

Further, Van Der Linden actively teaches away from the quoted claim features. Van Der Linden describes a database management system responding to a query about a structured document from an outside process. [See, e.g., Van Der Linden at Abstract, Fig. 10 at 1002, and ¶¶ 55]. The query “most likely comprises tag names and namespaces” and most likely describes locating one or more child nodes. Nodes are matched to the query by checking their name and namespace with the query. [Van Der Linden, ¶¶ 56.] That is, the system described by Van Der Linden requires that the element path identifier component as described by the Action (name-namespace) match a query from an outside process, and that the query comprises tag names and namespaces. The system of Van Der Linden is not, as far as the Applicants can tell, able to

modify the types of queries coming into it, and as such must use the query form *name-namespace* passed in from the outside world as a key field to locate matches within its DBMS. As such, any modification of the name-namespace component at the DBMS end, such as swapping it with *information relating to parent elements* as taught in claim 35 or a *hierarchical path of inheritance* as taught in claims 21 and 28 will break the system, as the key field that is being matched has changed only on the DBMS end, but not at the program supplying the query—leading to the database not being able to locate the elements desired by the outside program, as the lookup value (and hence the items looked up) has been modified.

As Van Der Linden not only does not teach or suggest the claim features, above, but instead actively teaches away from them, Applicants respectfully state that claims 21, 28, and 35 are in condition for allowance.

Chow is cited for its alleged disclosure of various features of claims 21, 28, and 35 other than the aforementioned features. Applicants respectfully submit that Chow does not add anything to the disclosure of Van Der Linden that would remedy the aforementioned deficiency.

Also, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Chow with Van Der Linden.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 21, 28, and 35 under 35 U.S.C. §103 are respectfully requested.

4. Claims 22, 23, 27, 29, 30 and 34.

Each of claims 22, 23, 27, 29, 30, and 34 depends directly or indirectly from claims 21 and 28. Applicants will not belabor the merits of the separate patentability of claims 27, 29, 30, and 34, except to say that as they ultimately depend from an allowable claim, they should be also be allowable, for at least that reason. Claims 27, 29, 30, and 34 should be allowable. Such action is respectfully requested.

B. Claims rejected over a proposed Van Der Linden –Chow - Xpath combination.

The Action rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over Van Der Linden in view of Chow, in further view of Xpath. Applicants respectfully traverse the rejection. Applicants respectfully assert that claim 6 recites novel and nonobvious features allowable over

the proposed Van Der Linden – Chow - Xpath combination. Further, since it depends from allowable claim 1, it should be allowed for at least the reasons stated for claim 1. Also, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Xpath with Chow and Van Der Linden.

Claim 6 should be allowable. Such action is respectfully requested.

C. Claims rejected over a proposed Van Der Linden –Chow - Alexander combination.

The Action rejects claims 24-26 and 31-33 under 35 U.S.C. 103(a) as being unpatentable over Van Der Linden in view of Chow, in further view of Alexander. Applicants respectfully traverse the rejection. Applicants respectfully assert that claims 24-26 and 31-33 recite novel and nonobvious features allowable over the proposed Van Der Linden - Chow - Alexander combination. Further, since they ultimately depend from allowable claims 21 or 28, they should be allowed for at least the reasons stated for claims 21 and 28. Also, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Alexander with Chow and Van Der Linden.

Claims 24-26 and 31-33 should be allowable. Such action is respectfully requested.

Claim Amendments

There is support for the subject matter of the claim amendments throughout the Specification and Figures as originally filed. Additionally, Applicants provide the following examples of support:

The Specification at p. 3, lines 3-11

The Specification at p. 8, lines 14-23,

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

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